

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF	}	DATE: August 15, 2007
	}	
Committee to Elect D.L. Humphrey	}	DOCKET NO: 07C- 040
Dexter Lynell Humphrey, Treasurer	}	
3452 N Street, NW	}	HEARING OFFICER: William O. SanFord
Washington, DC 20019	}	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that the Committee to Elect D.L. Humphrey, for which Dexter Lynell Humphrey serves as treasurer, failed to timely file on or before June 11, 2007 a June 10, 2007 Report of Receipts and Expenditures (June 10, 2007 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated July 17, 2007, and July 26, 2007, OCF ordered Dexter Lynell Humphrey (hereinafter respondent) to appear at scheduled hearings on July 25, 2007, and August 3, 2007, and show cause why the Committee to Elect D.L. Humphrey (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On August 3, 2007, respondent appeared pro se. OCF was represented by Sonya Lake, Financial Reporting and Examining Specialist.

Summary of Evidence

Ms. Lake alleged that the Committee to Elect D.L. Humphrey failed to timely file the statutorily required June 10, 2007 Report by June 11, 2007. Respondent conceded the violation and stated that he was not aware that he was required to file a June 10, 2007 Report after the election. Respondent also stated he was a first time candidate for elective office in the District of Columbia. Respondent additionally stated that he was not familiar with OCF's filing requirements and he did not have a staff to assist him. Consequently, he was solely responsible for all the campaign's records and his inexperience made it difficult for him to stay current with the filing deadlines.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a June 10, 2007 Report with OCF on or before June 11, 2007.
2. Respondent committee did not timely file a June 10, 2007 Report with OCF.
3. Respondent was a first time candidate for elective office in the District of Columbia with no prior history with OCF.
4. Respondent filed a June 10, 2007 Report on August 3, 2007.
5. Respondent committee is currently in compliance with the statute.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. The respondent committee violated D.C. Official Code § 1-1105.05(a).
2. The penalty established at 3DCMR § 3711.2(f) and 3711.4, for failure to timely file a June 10, 2007 Report required by D.C. Official Code § 1-1102.06(a), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b) (3) and 3DCMR §§ 3711.2(f) and 3711.4, the respondent committee may be fined a maximum of \$1,850.00 for failing to timely file a June 10, 2007 Report.
4. For good cause shown pursuant to 3DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's status as a first time office seeker in the District of Columbia who was not aware of his continuing obligation to file a June 10, 2007 Report after the election, provides good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

William O. SanFord
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

IN THE MATTER OF: The Committee to Elect D.L. Humphrey

NOTICE

Pursuant to 3 DCMR § 3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

April Williams

